



## Legislation Details (With Text)

<b>File #:</b>	Res. 2023-91R	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Resolution	<b>Status:</b>		Individual Consideration	
<b>File created:</b>	4/4/2023	<b>In control:</b>		City Council	
<b>On agenda:</b>	5/16/2023	<b>Final action:</b>			
<b>Title:</b>	Consider approval of Resolution 2023-91R, authorizing the use of the power of Eminent Domain to acquire a 1.501 acre wastewater line easement as depicted in the exhibit "A" attached hereto and incorporated herein for all purposes; determining the public necessity for this acquisition to advance and achieve the public use of the Staples Road Wastewater Improvements Project to extend public wastewater lines to provide wastewater services to the area south and east of the intersection of Staples Road and Old Bastrop Highway; authorizing the City Manager, or her designee, to take all steps necessary to acquire the needed interest in the property in compliance with all applicable laws; authorizing the City Attorney or his designee to institute condemnation proceedings as necessary to acquire said property interests to the extent negotiations are unsuccessful; and declaring an effective date.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Resolution, 2. ProposedEasementMap, 3. 0.025AC-WWL Survey, 4. 0.311AC-WWL Survey, 5. 1.165AC-WWL Survey, 6. ProposedEasementMap, 7. 20230516 - River Bend WW Imp - Eminent Domain.pdf				

Date	Ver.	Action By	Action	Result
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### **AGENDA CAPTION:**

Consider approval of Resolution 2023-91R, authorizing the use of the power of Eminent Domain to acquire a 1.501 acre wastewater line easement as depicted in the exhibit "A" attached hereto and incorporated herein for all purposes; determining the public necessity for this acquisition to advance and achieve the public use of the Staples Road Wastewater Improvements Project to extend public wastewater lines to provide wastewater services to the area south and east of the intersection of Staples Road and Old Bastrop Highway; authorizing the City Manager, or her designee, to take all steps necessary to acquire the needed interest in the property in compliance with all applicable laws; authorizing the City Attorney or his designee to institute condemnation proceedings as necessary to acquire said property interests to the extent negotiations are unsuccessful; and declaring an effective date.

**Meeting date:** May 16, 2023

**Department:** Engineering & CIP

### **Amount & Source of Funding**

**Funds Required:** NA

**Account Number:** NA

**Funds Available:** NA

**Account Name:** NA

**Fiscal Note:**

**Prior Council Action: 12/7/21 - Development Agreement Approved, 1/22 - Consent and Utility Agreements Approved**

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

Environmental Protection

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.

☒ Environment & Resource Protection - Public & Private Sector Partnership to Protect Water Quality & proper development in San Marcos and Blanco Rivers

☐ Land Use - Choose an item.

☒ Neighborhoods & Housing - Diversified housing options to serve citizens with varying needs and interests

☐ Parks, Public Spaces & Facilities - Choose an item.

☐ Transportation - Choose an item.

☐ Core Services

☐ Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Wastewater Master Plan

**Background Information:**

The City entered into a Development Agreement with the River Bend and Riley's Pointe Developments on December 7, 2021. Within this agreement the development agreed to abandon their wastewater discharge permit and take wastewater service from the City. The City has capacity to serve this development and this avoids a wastewater package plant maintained by a Homeowner's Association, a Municipal Utility District, or other private provider. In order for the development to tie into the City's wastewater system and offsite extension is necessary along Staples Road. As Staples Road is a TxDOT controlled facility easements are required for this extension. In order to acquire the remaining easements it is necessary to authorize the use of the Power of Eminent Domain to ensure there is no delay in these acquisitions. The City acknowledged, within the development agreement, the use of the Power of Eminent Domain may be necessary and would

assist in the acquisition of easements. City staff will exhaust all efforts to obtain these easements prior to the use of this power.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff recommends approval of this resolution.